

02-20-08

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Attorney Docket No. 62101 (70801)
Express Mail Label No EM 006545068 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Nobuyuki Takamori, et al

EXAMINER: Neyzari, Ali

SERIAL NO. 10/506,867

GROUP ART UNIT: 2627

FILED: September 3, 2004

FOR: OPTICAL INFORMATION RECORDING MEDIUM

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" Mailing Label No. EM 006545068 US in an envelope addressed to the: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on February 19, 2008.

By: Kathryn A. Grindrod
Kathryn A. Grindrod

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL NONSTATUTORY
OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION
PURSUANT TO 37 C.F.R. § 1.321(c)

Sir:

I, David A. Tucker, represent that I am an attorney of record for the above-referenced application -- U.S. Serial No. 10/506,867 (hereinafter the '867 application).

The assignee, Sharp Kabushiki Kaisha, owns the entire right, title and interest in the above-identified patent application by an assignment recorded on September 3, 2004, at reel 016312,

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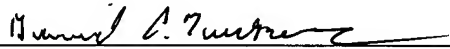
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The terminal part of the statutory term of any patent granted on the '867 application that would extend beyond the expiration date of the full statutory term, or any extensions thereto, defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on United States Patent Application, USSN 10/804,328 (hereinafter "the '328 application") forming the basis of the currently outstanding provisional double patenting rejection, is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the '867 application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on the '328 application. This agreement shall run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the '867 application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on the '328 application, in the event that any such patent granted on the '328 application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter, or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for separation of legal title stated above.

In accordance with 37 C.F.R. §1.321 (b)(4), 1.20(d), please charge our Deposit Account No. 04-1105 in the amount of \$130.00 to cover the required filing fee for this Terminal Disclaimer. Although it is not believed that any additional fee (in addition to the fee concurrently authorized to be charged to the Deposit Account of the undersigned) is required in connection with and/or for the consideration this submission, the Commissioner is hereby authorized to charge our Deposit Account No. 04-1105 should any such additional fee be deemed necessary.

Date: February 19, 2008

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